



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

# 15

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

HM11/0312

JOHN F. MORAN  
OFFICE OF COMMAND JUDGE ADVOCATE  
HQ USAMRDC  
DEPARTMENT OF THE ARMY FORT DETRICK  
FREDERICK MD 21702-5012

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/905,046	08/01/97	011	DEVI, S	1645 03/12/01
First Named Applicant	CASSELS,	35 USC 154(b) term. ext. =	0 Days.	

TITLE OF INVENTION MONOCLONAL ANTIBODY WHICH AGGLUTINATES E. COLI HAVING THE CS4-CFA/I FAMILY PROTEIN

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	530-388.400	D24	UTILITY	NO	\$1240.00	06/12/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PATENT AND TRADEMARK OFFICE COPY**

**Notice of Allowability**

Application No.

08/905,046

Applicant(s)

Cassels et al.

Examiner

S. Devi, Ph.D.

Group Art Unit

1645



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Applicants' After-Final amendments filed 01/18/01 and 02/27/01.

☒ The allowed claim(s) ~~is/are~~ 12, 3, 4, 6, 5, 8 and 9, now renumbered as claims 1-7 respectively.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413 (paper no. 14)

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Serial Number 08/905,046  
Art Unit: 1645

### **Examiner's Amendment**

1) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. An authorization to prepare this Examiner's amendment was given by Ms. Glenna Hendricks on 02 March 2001 (paper no. 14).

Claim 12 of the instant application has been amended as follows:

Claim 12, requested by Applicants to be canceled via the amendment filed 02/27/2001, has been retained.

### **Applicants' Amendments**

2) Acknowledgment is made of Applicants' After-Final amendments filed 01/18/2001 (paper no. 12) and 02/27/2001 (paper no. 13) in response to the Final Office Action mailed 10/18/00 (paper no. 11). With this, Applicants have amended the specification and claims.

### **Status of Claims**

3) Claim 7 has been amended via the After-Final amendment filed 01/18/2001.  
Claims 1, 7 and 10-12 were requested to be canceled via the amendment filed 02/27/2001.  
Claim 5 has been amended via the amendment filed 02/27/2001.  
Claim 12 has been retained via this Examiner's amendment.  
Claims 2-4, 6, 8, 9 and 12 are pending and are under examination.

### **Objection(s) Withdrawn**

4) The objection to the abstract made in paragraph 16 of the Office Action mailed 10/18/00 (paper no. 11) is withdrawn in light of Applicants' amendment to the abstract.

### **Rejection(s) Withdrawn**

5) The rejection of claims 4-6 maintained in paragraph 13 of the Office Action mailed 10/18/00 (paper no. 11) under 35 U.S.C § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' arguments.

6) The rejection of claims 12, 3-6, 8 and 9 made in paragraph 14 of the Office Action mailed 10/18/00 (paper no. 11) under 35 U.S.C § 112, second paragraph, as being indefinite, is

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withdrawn in light of Applicants' arguments.

#### **Reasons for Allowance**

7) The following is an Examiner's statement of reasons for allowance:

Claims 2-4, 6, 8, 9 and 12 are allowed, because the prior art does not teach or fairly suggest the monoclonal antibody, HB-12163, having binding specificity for SEQ ID NO: 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Remarks**

8) The allowed claims 12, 3, 4, 6, 5, 8 and 9 are now renumbered as claims 1-7 respectively.

9) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center located in Crystal Mall 1 (CM1). The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The CM1 facsimile center's telephone number is (703) 308-4242, which receives papers 24 hours a day and seven days a week.

10) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SD

S. Devi, Ph.D.  
Patent Examiner  
March 2001

## Interview Summary

Application No.

08/905,046

Applicant(s)

Cassels et al.

Examiner

S. Devi, Ph.D.

Group Art Unit

1645



All participants (applicant, applicant's representative, PTO personnel):

(1) S. Devi (PTO)

(3) \_\_\_\_\_

(2) Ms. Glenna Hendricks

(4) \_\_\_\_\_

Date of Interview Mar 2, 2001Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☒ was reached. ☐ was not reached.Claim(s) discussed: Claim 12.

Identification of prior art discussed:

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Hendricks was informed that Applicants' amendment filed 02/27/2001 requested for cancellation of claim 12.However, claim 12 is the base claim which was agreed upon by Ms. Hendricks last week to be retained for allowance.Ms. Hendricks authorized the Examiner of record not to cancel claim 12.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

SD  
02-March-01

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**

*(November, 2000)*

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION**, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a)~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

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<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).